

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**RUBIN CRAIN, IV, 120023660,** §  
Plaintiff, §  
v. § Civil Action No. **3:12-CV-4063-L-BF**  
**CESAR AUGUSTO MENCHACA, et al.,** §  
Defendants. §

**ORDER**

This case was referred for screening to Magistrate Judge Paul D. Stickney, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on December 20, 2012, recommending that (1) Plaintiff’s claims against Defendant Cesar Menchaca be served and that process be issued as to this Defendant; and (2) Plaintiff’s claims against remaining Defendants, Parkland Hospital nurses Ms. Treani and Mr. Jerry and Dallas County Jail Officers Ms. Lacy and John Doe, be dismissed pursuant to 28 U.S.C. § 1915(e)(2).

Subsequently, Plaintiff sought leave to amend his pleadings, and the court recommitted the action to the magistrate judge in light of Plaintiff’s Motion to Amend his Complaint. On February 4, 2013, the magistrate judge granted Plaintiff’s Motion to Amend and issued supplemental findings and conclusions (“Supplemental Report”), recommending that Plaintiff’s claims against Parkland Hospital should proceed and process should be issued as to this Defendant. With regard to Defendant Dallas Sheriff Detention Bureau and the remaining Defendants, the magistrate judge recommended that Plaintiff’s claims against these Defendants be dismissed pursuant to 28 U.S.C. § 1915(e)(2). In a February 13, 2013 submission, Plaintiff indicates that he has no objections to the Supplemental Report.

Accordingly, after reviewing the pleadings, record in this case, applicable law, the court determines that the magistrate judge's findings and conclusions as to Defendant Cesar Menchaca (Doc. 8) and the magistrate judge's supplemental findings and conclusions (Doc. 22) are correct, and **accepts** them as those of the court. The court therefore **dismisses with prejudice** all of Plaintiff's claims, except for those against Cesar Menchaca and Parkland Hospital. Further, to the extent the magistrate judge's findings and conclusions in the original Report differ from those in the Supplemental Report, the Supplemental Report controls.

**It is so ordered** this 21st day of February, 2013.



Sam A. Lindsay  
United States District Judge